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ABSTRACT

In 19th century Europe, the dominant classes detested the idea of a free press, seeing it as a middle and lower class weapon. Although repression of the press in Europe existed long before the 19th century, at this time techniques of press repression fell into two major categories: (1) direct--licensing, prior censorship, and post-publication prosecution; and (2) indirect--financial constraints such as security or caution bonds and special press taxes meant to discourage the poor from publishing or buying newspapers. These forms of repression were highly effective in holding down the expression and circulation of opposition opinions in legally printed material and in making the lives of individual journalists miserable. But legal and illegal forms of resistance to press repression prevented these tactics from being entirely effective. Legal forms of resistance included using "Aesopian language" (critical political remarks indirectly made), taking advantage of technicalities and loopholes to avoid penalties, and banding together to overcome high newspaper prices. The two major techniques of illegal resistance were the publishing of clandestine newspapers and the smuggling of forbidden material. In conclusion, it should be noted that not only publishers and journalists, but great numbers of individuals engaged in such defiance. (JL)

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NUMBER EIGHTY

ROBERT J. GOLDSTEIN

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ROBERT J. GOLDSTEIN

Freedom of the Press in Europe, 1815-1914

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Accepted for Publication February 1981

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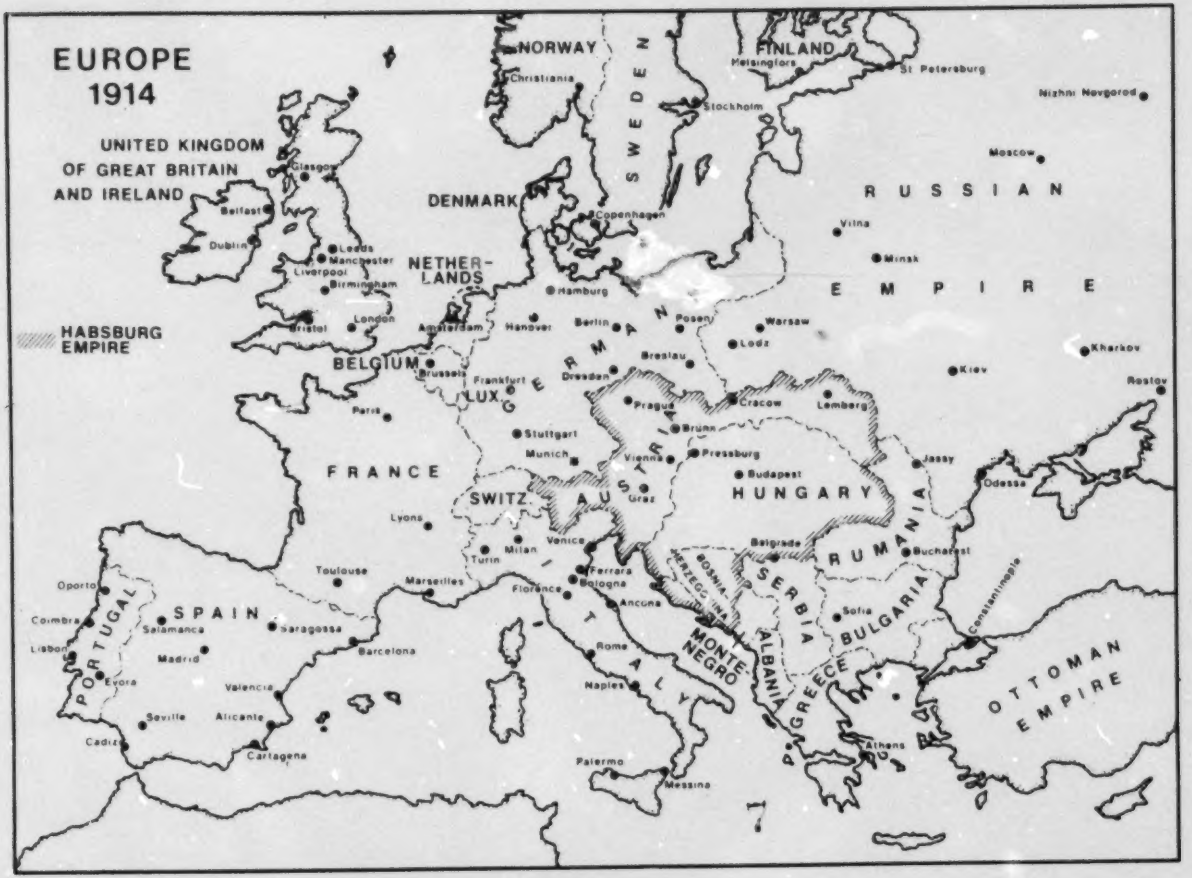
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OF GREAT BRITAIN
AND IRELAND
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SWEDEN
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"IN WAGING OUR WAR, we do not throw bombs," declared the socialist *Hamburger Echo* of September 27, 1910. "Instead we throw our newspapers amongst the masses of the working people. Printing ink is our explosive" (Hall, 1977: 13).

This remark captures well the widespread feeling that the press played a crucial role in the "war" between the dominant classes and the lower and working classes that grew increasingly pervasive in Europe during the period from 1815 until World War I. It is not surprising, therefore, that major battles over freedom of the press were fought in many European countries during the 19th century, and that conservative regimes devoted much time and effort in trying to suppress opposition and, especially, lower class and socialist-oriented publications.

In general, representatives of the traditional ruling elements in Europe detested the idea of a free press. In 1819, the year of the infamous Carlsbad Decrees which gagged the German press for the following 30 years, Austrian Prime Minister Clemens von Metternich wrote his secretary, Friedrich Gentz, that "the greatest and consequently the most urgent evil now is the press" (Emerson, 1968: 116). Viscount Henry Sidmouth, home secretary under the reactionary ministry of Lord Liverpool in England (1812-22), termed the press the "most malignant and formidable enemy to the constitution to which it owed its freedom" (Aspinall, 1949: 42).

Sometimes the remedy conservatives proposed for dealing with the press were drastic indeed. General Ramon Narvaez, the dictator who dominated Spanish politics for much of the mid-19th century, declared, "It is not enough to confiscate papers; to finish with bad newspapers you

must kill all the journalists" (Carr, 1966: 240). Gentz, Metternich's secretary, wrote in 1819:

> As a preventive measure against the abuses of the press, absolutely nothing should be printed for years . . . . With this maxim as a rule, we should in a short time get back to God and the Truth (Artz, 1962: 67).

Restrictions on liberty of the press were usually justified by conservatives in terms of the alleged irresponsibility of the press and the dangers of introducing matters of public affairs amongst the masses of the population who were considered manifestly incompetent to deal with such matters. Further, conservatives clearly felt that if the masses became informed about public issues, they would increasingly demand the right to be heard on such matters and, in their ignorance and avarice, threaten the public good (which generally was perceived as coinciding with the interests of the ruling elements). The basic conservative argument against press freedom was rarely articulated more bluntly and clearly than in 1663 by Roger L'Estrange, licenser (i.e. censor) of the English press:

> A Publick Mercury (i.e. a non-governmentally controlled newpaper) should never have My Vote; because I think it makes the Multitude too Familiar with the Actions and Counsels of their Superiors; too Pragmaticall and Censorious, and gives them, not only an Itch, but a kind of Colourable Right and License, to be Meddling with Government (Hohenburg, 1971: 25).

Ultimately the real threat posed by a free press was to the existing structure of power. Napoleon once declared, "If I allowed a free press, I would not be in power for another three months" (Olson, 1966: 156). Some 19th century conservative rulers may have remembered the events in Denmark in 1772, where the reforming minister Johann Struensee found that the result of ending press censorship was newspaper revelations of his illicit love affair with Queen Caroline; Struensee not only lost his power but also his head, in a gruesome public execution (Olson, 1966: 53; Oakley, 1972: 155).

While conservatives feared liberty of the press, liberals and radicals almost equally deified the concept of press freedom. Demands for press liberty had been one of the major themes of the 18th century Enlightenment. *The Encyclopedie*, the masterwork of the Enlightenment, declared that "any country in which a man may not think and write his thoughts must necessarily fall into stupidity, superstition and barbarism" (Smith, 1979: 76). British enlightenment philosopher David Hume declared that liberty of press would allow the nation to employ "all learning, wit and genius" to foil the plans of tyrannical monarchs; similarly, the Russian reformer Alexander Radischev (who was jailed for his writings by Catherine the Great) exclaimed that press freedom would force rulers to

dare not "depart from the way of truth, lest their policies, their wickedness and their fraud be exposed" (Rudd, 1979: 522). The 19th century French writer Francois Chateaubriand, who devoted much of his public life to defending press freedom, declared:

> Liberty of the press is today the entire constitution . . . . It consoles us for disgrace; it restrains oppressors through fear of the oppressed; it is the guardian of manners, the protector against injustice. Nothing is lost as long as it exists (Anderson and Anderson, 1967: 253).

During the early 19th century, English Whigs (liberals) frequently drank to the toast, "The liberty of the press— —'tis like the air we breathe— — while we have it we cannot die" (Thomas, 1980: 399).

Demand for press freedom was one of the major rallying cries of middle class liberals and middle and working class radicals throughout the 19th century, along with demands for constitutional government and extension of the suffrage. It is important, however, to maintain some perspective. Until late in the century the concept of press freedom had little interest or meaning to the majority of the population, which could not afford the luxury of buying newspapers at a time when much of their income was devoted to buying food alone. Thus, peasants in the German Rhineland in 1848 understood the slogan "Pressfreiheit" (press freedom) to mean freedom from "oppressive" demands by landowners. At Elberfeld, in the Rhineland, workers reportedly heckled a speaker at a rally during the 1848 revolution with the cry, "Was geht uns Pressfrieheit an? Fressfreiheit ist es, was wir verlangen!" (What do we care about freedom of the press? Freedom to eat is what we want!) (Conze and Groh, 1971: 157).

Development of Restrictions on Press Freedom

The development of the modern printing press and of techniques for repression of the press were virtually simultaneous. By 1560, about 100 years after Gutenberg's achievement of the first modern printing press in Europe, licensing and censorship systems for printed matter were universal throughout western Europe. In Spain, at least 78 different decrees were issued to regulate the press during the 16th, 17th and 18th centuries (Schulte, 1968: 115).

Violations of repressive press laws called forth the most severe types of punishment. Printers and journalists convicted of written sedition, heresy or treason were subject to (and actually sentenced to) the death penalty in many countries, including Spain, France, Austria, Germany, England and Switzerland. Thus, in 1664, an English printer, John Twyn, was convicted of treason for printing a book alleged to advocate the right of revolution; he was hanged, drawn and quartered (Siebert, 1965: 267).

In the Swiss canton of Zurich, the authorities sentenced 74 writers to death in the 16th and 17th centuries for such offenses as "attacks on authority" and "sneering at matrimony" (Soloveytchik, 1954: 61).

Apart from retribution against journalists and printers, the printed word was regarded as so dangerous that banned works were sometimes publicly burned during the pre-1800 period. A copy of Voltaire's *Dictionnaire Philosophique* was burned by the city executioner in Berne in 1764, while similar treatment was meted out to a Dutch newspaper by the hangman of Warsaw in 1774, on orders of the Polish Diet (Soloveytchik, 1954: 61; Baschwitz, 1938: 106). During the "jacobin scare" touched off by the French Revolution, it is estimated that nearly 20,000 books were burned in Moscow in 1792 (Dukes, 1971: 384).

The repressive press controls which existed in every country in Europe (with the partial exception of England) in 1789 were drastically tightened in many countries upon the outbreak of the French Revolution. Most European countries sought to suppress completely any mention of events in France from their papers, and in a number of cases banned all publications imported from France. In Spain, a January 1790 order banned the introduction, printing or circulation of books, papers, prints, boxes, fans, folders or other objects relating to the French Revolution. In February 1791, all privately published periodicals, except for one non-political journal, were suppressed in Spain in order to keep out news from France (Herr, 1958: 247,262). In Austria, all reading rooms and lending libraries were closed in 1798-99, and in 1801 censorship was extended to mottoes on fans, snuff boxes, musical instruments and toys (Macartney, 1978: 248; Macartney 1969: 163). In Russia, Catherine the Great, convinced that it was "absolutely necessary to exterminate everything French, down to the name" (Yarmolinsky, 1962: 21) banned the import of all objects of French origin, including artworks. Her successor, the mad Tsar Paul I, outlawed the importing of all printed matter, including music, from anywhere (Brinton, 1963: 181).

Clearly, when the Napoleonic Wars ended in 1815, Europe already had a tradition of repression of the press. Of all the European countries, only Norway had a truly meaningful freedom of the press. While a few other countries (England, Sweden, the United Netherlands and France) had technically abolished prior censorship of the press, in all of these countries various administrative techniques were used which greatly diminished the significance of that development. In France, despite the constitutional ban on prior censorship in the 1814 Charter, such censorship was in fact invoked more or less continually until 1822. Meaningful press freedom had been accomplished by 1850 only in the Low Countries, Scandinavia and England. By World War I, major restrictions

on press freedom still existed in Russia, Germany, Hungary and, to a slightly lesser extent, Austria.

Even in countries where the press was relatively free, repression still occurred sporadically. Thus, there was a spate of prosecutions of socialist editors in Denmark and Sweden in the 1880s. Domela Niuwenhuis, founder of the Dutch socialist movement, served eight months in jail for writing in 1887 that Dutch King William III had "made little of his job" (Kendall, 1975: 248).

Regulation of the press was the subject of great attention and much legislation in many of the European countries throughout the 19th century. This was especially the case in Spain, Serbia, Austria, Germany, Russia and France. Between 1810 and 1883, there were at least 15 major press laws and decrees in Spain (Schulte, 1968). The French press law of 1881 replaced 42 laws (containing 325 separate clauses) which had been passed during the previous 75 years by 10 different regimes. By 1851, the French laws had become so complicated that two judges published a handbook on them to aid befuddled lawyers and journalists (Smith, 1979: 110; Collins, 1959: 129).

The Impact of Press Repression Upon Journalists

Repression of the press had a profound impact upon the lives of many 19th century dissident journalists. This was especially the case for two of the most famous European radicals, the German socialist Karl Marx and the French anarchist philosopher Pierre-Joseph Proudhon (Mehring, 1962; Woodcock, 1972). Marx first came to public attention as editor of the mildly radical Cologne newspaper *Rheinische Zeitung*, begun in 1842. The paper soon came under increasing pressure from Prussian censorship authorities and, following pressure from the Russian government, was suppressed in April 1843. The paper had published bitter attacks on Russia which came to the attention of Czar Nicholas I. Such international pressures for press repression were common during the 19th century in Europe.

Marx thereupon decided to go to France to collaborate on a journal there with Arnold Ruge, a Saxon journalist who had been driven from Prussia and Saxony by censorship restrictions. Marx's collaboration with Ruge collapsed, however, after most copies of the first issue of their journal, the *Deutsch-Franzoische Jahrbucher*, were confiscated by Prussian police when it was sent into Germany. In 1845 Marx was expelled from France under Prussian pressure, after an article criticizing the Prussian king appeared in a socialist journal to which Marx contributed. Marx moved on to Brussels, but was expelled in February 1848 for publishing the *Communist Manifesto*, which had been commissioned by an obscure group of German political exiles in London.

Since the 1848 revolutions toppled the governments in France and Prussia, Marx was able to return to Paris and then to Cologne, where he began the *Neue Rheinische Zeitung*. With the collapse of the Prussian revolution by early 1849, however, the *Neue Rheinische Zeitung* was suppressed. Marx was expelled from Prussia in July 1849, after being acquitted of a sedition charge, and he went to the refuge of last resort for European political exiles——London. There he lived out the rest of his life in incredible poverty, haunting the library of the British museum and writing, among other works, *Das Kapital*.

Proudhon, perhaps the single most influential anarchist philosopher in world history, first ran into trouble with French authorities for his book, *Warning to Proprietors*, published in 1842. He was indicted on four charges, including "troubling the public peace by exciting hatred or mistrust of the citizens against one or more persons" and "exciting hatred and outrage against the king's government." Like many victims of 19th century repression, Proudhon was martyred by the prosecution and became a well-known figure as a result, even though he was acquitted by a jury, which could hardly understand his point of view.

Proudhon's next encounter with the authorities came in July 1848, in the wake of the "June Days," a worker insurrection in Paris. Three thousand insurgents were murdered after that revolt had been put down and thousands more summarily deported to Algerian labor camps. When his newspaper, *Le Representat du Peuple*, called for a moratorium on rent payments during a time of economic depression, the government suppressed the issue, although Proudhon was shielded from prosecution because he was by then a member of the French legislature. The paper, which had a circulation of 40,000, later was shut down completely by the government. In January 1849, Proudhon's new paper, *Le Peuple*, criticized newly elected President Louis Napoleon Bonaparte (later Emperor Napoleon III), leading the legislature to withdraw Proudhon's parliamentary immunity. Subsequently he was sentenced to a three-year jail term. Proudhon was allowed to edit another paper, *La Voix du Peuple*, from his jail cell, but it too was soon suppressed.

When Proudhon was released from jail in June 1852, he found that French publishers would no longer touch his writings and that landlords were even reluctant to rent to him. When he finally succeeded in publishing *De La Justice Dans La Revolution et Dans L'Eglise* in 1858, it was seized by police. Proudhon was charged with, among other things, "reproduction in bad faith of false news likely to disturb the public peace" and "excitement of hatred between citizens." Upon being sentenced to three years in jail and a fine of about $800, Proudhon fled to Belgium, where he stayed until 1862. An amnesty allowing Proudhon to return to France was granted, however, and when he died in January 1865, 6000

Parisians accompanied his body to the grave. Such "political funerals" often were the only legal means of public demonstration in much of Europe before about 1870.

Proudhon and Marx were by no means the only important figures to suffer from 19th century European press repression. A complete list of such victims would be long indeed, but even a short list of those prosecuted or forced into exile for press offenses would include French socialist leaders Jules Guesde and Paul Brousse, the French caricaturist Honore Daumier, the anarchist writer Prince Peter Kropotkin, Hungarian nationalist leader Louis Kossuth, Swedish socialist leaders August Palm and Hjalmar Branting (the latter subsequently served as prime minister of Sweden), the Serbian radical leader Nicolas Pasic (later prime minister of Serbia), Austrian socialist leader Victor Adler, German socialist leaders Wilhelm and Karl Liebknecht and Rosa Luxemburg, English journalists William Cobbett and Richard Carlisle (who served over nine years in jail), and Russian writers Michael Lermontov, Maxim Gorky, Leo Tolstoy and Alexander Pushkin.

As noted previously, press prosecution sometimes produced martyrs. Such martyrdom created a prime minister almost overnight in the case of Greek politician Charilaos Tricoupis. Tricoupis had been a relatively obscure figure until he was jailed for his sensational article, "Who is to Blame?", which appeared in the Athens paper *Kairi* in July 1874. The article placed the blame for Greece's chronic political crisis upon King George I, especially upon the King's refusal to recognize the principle of parliamentary responsibility. Tricoupis was released on bail after three days in jail and subsequently acquitted to general acclaim.

Shortly thereafter, Tricoupis, now the hero of liberal forces in the country, was called upon by the King to form a ministry, which he agreed to do only when the King promised to abide thereafter by the principle of parliamentary responsibility. Although Tricoupis was defeated in the 1875 elections, which were free from government interference upon Tricoupis' insistence (another departure from Greek traditions), he repeatedly served as prime minister during the 1878-95 period (Clogg, 1979: 86; Kousoulas, 1974: 58).

Techniques of Repression of the Press

Repressive press techniques used in 19th century Europe can be divided into two major categories. First were the direct forms of repression, designed to prevent "undesirables" from publishing material (licensing), to prevent "undesirable" material from appearing (prior censorship), and to punish the publishers of "undesirable" material which did appear in print (post-publication prosecution, sometimes known as punitive censorship). Second were the indirect forms of repression, which did not

specifically outlaw or punish particular journalists or published material, but which were designed to discourage the poor from publishing or buying newspapers by imposing financial constraints upon the press, such as security or caution bonds and special press taxes. Frequently direct and indirect means of press regulation co-existed in various countries at the same time.

Direct Repression: Prior Censorship and Licensing. The focus of the greatest discontent over press regulations in the pre-1848 period in most of Europe was on systems of prior censorship and licensing, which were virtually universal in Europe (except England) before 1789. Licensing requirements meant that no one could publish a newspaper or other printed matter without first receiving a permit from the government. Licensing was designed to make sure that only "reliable" individuals were allowed to publish. In some countries, only publishers had to be licensed, while in others, as in England before 1695, printers had to be licensed also. Thus, until 1695, only 20 printers were licensed to operate in the city of London, and until just before the French Revolution only one official paper was licensed to publish political news in France (Steinberg, 1974: 204; Olson, 1966: 168).

Licensing was usually accompanied by prior censorship. Prior censorship generally meant that material to be published could not be set in type before it was approved by governmental authorities. Together with licensing, prior censorship was designed to ensure that only reliable persons would be publishing material and that the particular material published would be scrutinized to ensure that nothing objectionable appeared. Naturally, obstreperous printers and publishers could have their licenses withdrawn. In most of the Catholic countries, including Spain, Portugal, Austria and Italy, printed matter often had to be cleared by officials of both church and state. In most of the Catholic countries clerical censorship was abolished before 1789. It was occasionally revived during the 19th century, however, in times of social tension when state officials felt a need to make concessions to the church to gain clerical support in the face of lower-class unrest.

As can be seen in Table 1, prior censorship was gradually abolished throughout Europe during the 19th century. By 1914 not a single European country maintained prior censorship, at least when it is defined as censorship before material is set in type. In most, although not all, of the European countries, licensing systems died along with prior censorship. This was not always the case, however. Press laws passed in Prussia in 1851, France in 1852, Austria in 1867 and Spain in 1879 all barred prior censorship but maintained licensing for newspaper publishers.

Perhaps the most notorious system of prior censorship in 19th century Europe was that in Austria under Metternich before 1848. Austria was

TABLE 1

Press Repression In Europe, 1815-1914

Country	Constitutional or Legal Ban on Prior Censorship	End of Severe Administration of Post-Publication Censorship	End of Special Press Taxes (where applied)
Austria	1867	never before 1914	1899
Belgium	1830	1830	1848
Bulgaria	1879	sporadic until 1914	
Denmark	1849	1846	
France	1814	1881	1881
Germany (Prussia before 1870)	1848	never before 1914	1874
Hungary	1867	never before 1914	
Italy (Piedmont before 1860)	1848	c. 1900	
Netherlands	1815	1848	1869
Norway	1814	1814	
Portugal	1834	1852	
Rumania	1866	1866	
Russia	1865 (partial)/ 1905	never before 1914	
Serbia	1869	1903	
Spain	1837	1883	
Sweden	1809	1838	
Switzerland	1848	c. 1830	
United Kingdom	1695	c. 1830	1861

known as the "China of Europe" for its attempt to prevent infection of its subjects by liberal western currents. During the 1835-48 period, Austria had a list of 5000 books which were forbidden, including works by Fichte, Rousseau, Spinoza, Heine, Lessing, Goethe and Schiller. One scholar has compared the list to a "catalogue of masterpieces of European literature" (Pech, 1969: 11). The Austrian censorship extended beyond books and newspapers to plays, inscriptions on gravestones, memorial cards, badges, cuff links and tobacco boxes. In one incident, the word "Liberte," painted on the sides of some china boxes shipped from France, was erased, leading a furious buyer in Trieste to refuse shipment (Musulin, 1975: 255). In another incident, the Austrian playwright Ferdinand Raimund was clapped in irons for three days for "willfully transgressing the prohibition against extemporizing on stage." His crime was apologizing to a theatre audience for thrashing his mistress when she refused to tell him the name of the man he had seen her sitting with at the theatre (Musulin, 1975: 259).

While the Austrian system was the most notorious, prior censorship in Russia was not ended completely until 1905 and was sometimes even more restrictive. The censorship in countries such as Germany and Italy before 1848 was equally or almost equally repressive.

During the height of reaction in Russia after the European revolutions of 1848, even Hans Christian Anderson's stories for children and a book in French entitled "Physiology and Hygiene of the Beard and Mustache" were barred (Yarmolinsky, 1934: 909). In 1835, the German confederation Diet banned the entire school of writers known as "Young Germany," whose leaders were the literary giants Ludwig Borne and Heinrich Heine (Pinson, 1954: 66).

Direct Repression: Post-Publication Censorship. Prior censorship and licensing systems were the particular targets of liberal opprobrium during the 19th century and, of all techniques used to repress the 19th century European press, have continued to attract the most attention. Systems of post-publication retribution (sometimes known as punitive censorship) often proved just as threatening to press freedom, however, and usually caused far more hardship to individual journalists. Even after prior censorship systems were eliminated, every European country maintained some laws which provided punishment for what was viewed as abuses of press liberty. In Russia, Austria, Hungary and Germany these systems were so severe that press freedom never existed in a meaningful sense in these countries throughout the entire period before World War I.

In some cases, post-publication controls were administered in such a way that the boundary between them and prior censorship became

almost meaningless. Under the systems used in Austria in 1867, Germany in 1874, Russia in 1865 and France in 1822, copies of "non-censored" newspapers had to be submitted to the authorities either just before or simultaneously with the distribution of the papers. This meant that the authorities could, if they spotted objectionable material, seize the press run before any significant distribution occurred. (For an explanation of the Russian system, see Rigsberg, 1966: 330). The only difference between these systems and systems of "prior censorship" were that under "prior censorship" the censors usually got the blame if something slipped through and the publishers did not lose money by first printing something and then having it seized. Under the systems of "punitive censorship" the publishers and journalists involved risked huge financial losses as well as administrative or judicial sanctions for transgressing press laws.

One of the most ingenious punitive censorship laws of 19th century Europe was that decreed in France by Louis Napoleon Bonaparte on February 17, 1852, shortly after his coup d'etat which overthrew the Second French Republic. Under this decree, which governed French publishing for 16 years, all publishers of periodicals dealing in any way with "politics or social economy" were required to obtain licenses, which had to be renewed with each staff change. A long list of press offenses was decreed, including the publication of false news and other than official accounts of legislative activity. All press offenses were to be tried without juries; one felony conviction or two misdemeanor convictions automatically led to suppression of a periodical. A system of administrative "warnings" also was established, allowing the government to take action when it did not like published material but could not or did not wish to prosecute in the courts. Warnings could be based on whatever criteria struck the government's fancy; after three warnings the Minister of the Interior could suspend a journal for two months, while the President of the Republic (i.e., Louis Napoleon) at any time could suppress administratively a journal if the public safety was deemed to warrant such action. During the period from 1852 to 1867 when this decree was in effect, 109 warnings were issued to those Paris newspapers which had escaped suppression altogether in 1852. Eight newspapers were suspended for two months and five were suppressed (Collins, 1959: 117-26).

Numerous other instances in which even more massive press repression occurred in systems which had abolished prior censorship clearly demonstrate that press freedom was by no means synonomous with lack of prior censorship. In Germany, the "anti-socialist" law in effect from 1878 until 1890 was used to suppress the socialist press wholesale, with 1,229 different publications, including 104 newspapers and other periodicals, banned (Hall, 1977: 14). Even after expiration of the anti-socialist law, socialists faced hundreds of press prosecutions, usually for

"lese majeste," or criticism of the king. Over 600 "lese majeste" prosecutions were brought in 1894, while in the first six months of 1913 there were over 100 convictions of socialist journalists, resulting in sentences of 40 years in jail and almost 11,000 marks in fines (Hall, 1977: 68, 71). In Austria, where prior censorship ended in the 1860s, there were over 2000 cases of newspaper prosecutions and confiscations between 1877 and 1880 (Garver, 1978: 48; Gulick, 1954: 22). In Russia, where all prior censorship was finally abolished in 1905, there were a total of 4396 administrative penalties imposed upon periodicals between 1905 and 1910, with nearly 1000 cases of newspapers being suppressed and fines of over $200,000 imposed (Balmuth, 1979: 136; Hohenberg, 1971: 155-56). In Hungary, newspapers published by the Slovak and Rumanian minorities were systematically harassed; one Slovak paper, *Narodnie Noviny*, underwent 13 separate prosecutions between 1892 and 1904 (Seton-Watson, 1972: 463-66).

In many of the European countries, both those with prior and those with punitive censorship systems, journalists constantly were faced with vague press laws and inconsistent enforcement, which meant they could never know in advance what was liable to cause them trouble with the authorities. Thus, the Austrian intellectuals who protested the prior censorship system spoke for most journalists when they complained in 1845:

> The situation of the press with respect to the censor is, alas, one devoid of legality. The writer is judged by norms which he does not know and is condemned without being heard and without being able to defend himself (Anderson and Anderson, 263).

Sometimes the confusion and vagueness of repressive press regulations shone clearly through the statements of government officials. Thus Napoleon Bonaparte told his viceroy in Italy during the French occupation in the first decade of the 19th century:

> I want you to suppress completely the censorship of books. This country already has a narrow enough mind without straitening it any more. Of course, the publication of any work contrary to the government would be stopped (Holtman, 1967: 167).

Numerous examples could be cited of extraordinarily vague press laws, under both prior and punitive censorship systems. Thus, the Swedish law of 1812 allowed the king to suppress any newspaper for "imperilling the public safety," with no court hearing or appeal allowed (Derry, 1979: 210). A 1798 British law banned materials "tending to excite hatred and contempt of the person of his majesty and of the constitution and government" (Aspinall, 1949: 38). The 1822 Spanish press law banned writings which "spread rules or doctrines or which refer to acts dedicated to exciting to rebellion or to disturbing the public peace, even though they may be disguised as allegories of imaginary persons or countries, or of

past time, or as dreams or fictions, or anything similar." Libel was defined as writings which "made vulnerable the reputation of individuals, even though they are not named, or indicated by anagrams, allegories or in any other form" (Schulte, 1968: 142). The French press law of September 1835 outlawed "any attack against the principle or form" of the government as well as "expressing the wish, the hope or the threat of the destruction of the constitutional monarchial order." The law also made it illegal to place "on the King the blame or responsibility for the acts of his government" (Beik, 1965: 146-47).

Indirect Repression: "Caution Money" and Special Taxation. Aside from directly controlling who could publish and what they could print through licensing and prior and post-publication censorship, a number of European countries in the 19th century also used "indirect" controls on the press, involving the requirement that publishers pay "caution money" and that newspapers pay special taxes. The purpose of the "caution money" requirement was to try to ensure that only the relatively wealthy could publish newspapers; the purpose of imposing special taxes on the press was to ensure that only the relatively wealthy could buy newspapers. In both cases, the aim was to block the spread of radical doctrines.

"Caution money" requirements, also known sometimes as security deposit or security bond requirements, involved the mandatory depositing of a sum of money with government officials before it was legal to publish a newspaper or periodical. Supposedly the purpose of the requirement was to ensure the payment of fines in case of transgression of the press laws, but clearly the real purpose was to prevent the poor from publishing papers. "Caution money" was required for part or all of the 19th century in at least Austria, Hungary, Spain, Germany, England, France and Russia. The requirement seems to have been especially significant in France and Spain.

As one scholar has noted, the "caution money" requirement in France tended to fluctuate in "inverse ratio to the liberality of the regime and also to the degree of security it felt it enjoyed" (Hemmings, 1971: 53). When the requirement was first introduced in 1819, Paris dailies had to deposit 10,000 francs (about $2000 in 1819 money, the equivalent of well over $20,000 today) (Tannenbaum, 1976: 4). In 1828, following liberal election victories in 1827, the sum was lowered to 6000 francs, and it was lowered once more after the 1830 revolution in France, which was fought partly over the issue of press liberty. The succeeding July monarchy of King Louis Philippe was soon embroiled in a series of battles with the press. Following an 1835 assassination attempt on the King, the "caution money" requirement was raised to the enormous sum of 100,000 francs for Paris dailies. After the 1848 February revolution, fought largely

against the repressive nature of the July monarchy, "caution money" was abolished. It was re-introduced, however, after the "June days" uprising of 1848, although at a much lower level than that of 1835. In 1852, the press decree of Louis Napoleon more than doubled the deposit to 50,000 francs. "Caution money" was abolished again with the collapse of the regime of Louis Napoleon in 1870, only to be re-introduced once more in July 1871 after the suppression of the Paris Commune. It was finally abolished for good in the French press law of 1881 (Collins, 1959: *passim*).

Special taxes imposed on the press were, in a number of countries, a complement or alternative to "caution money" requirements. They were designed, as the preamble to the 1819 stamp tax bill in England forthrightly explained, to "restrain the small publications which issue from the Press in great numbers and at a low price" by making newspapers too expensive for the poor to buy (Aspinall, 1949: 9). The poor were well aware of this purpose. Thus, a British newspaper vendor charged with illegally selling newspapers without having paid the stamp tax told a court in 1831:

> I stands here, your worships, upon right and principle, on behalf of the poor working unedicated classes of the country. They are called ignorant, but what is the cause of their ignorance? Why the tax which prevents them from getting information. Your worships pretty well knows the reason them in power puts on the tax; it is to keep the poor from knowing their rights for if poor working people knowed their rights, they would soon annihilate the corrupt institutions that oppress them (Wiener, 1969: 117).

Usually, taxes on the press took the form of a stamp tax which had to be paid on each newspaper sold and which drastically increased the price of newspapers. Stamp taxes were in effect for part of the 19th century in at least the Netherlands, Belgium, Austria, France, Germany and England. In some cases taxes also were imposed on newspaper advertisements and on paper, and these costs were also reflected in an increased purchase price of newspapers.

In England, where all three types of taxes were imposed, they had an enormous impact upon the price and circulation of newspapers. The stamp tax per newspaper reached a peak of 4*d* from 1815 until 1836, resulting in an increase of newspaper prices of two to four times what they would have been otherwise. The stamp tax in England was reduced to 1*d* in 1836, but not abolished entirely until 1855. The advertising tax in England was retained until 1853, and the tax on paper until 1861. During the period from 1815 to 1836 when the stamp tax was at 4*d*, newspaper sales in England increased only 20%. During the two years after the reduction to 1*d* in 1836, sales jumped from 25.5 million per year to over 53 million per year (Aspinall, 1949: 16, 23; Wiener, 1969: 260). Until the final abolition of the stamp tax, not a single daily newspaper was able to establish itself outside of London; after 1855 they developed in a flood

(Williams, 1969: 36). The battle to abolish the so-called "taxes on knowledge" in England raged for decades. William Gladstone, who served four times as prime minister, described the fight as the "severest parliamentary struggle in which I have ever been engaged" (Smith, 1979: 172).

The Impact of Press Repression in 19th Century Europe

Press repression in 19th century Europe unquestionably was highly effective in holding down the expression and the circulation of opposition opinions in legally printed material. It is also clearly held down the amount of printed material legally allowed to appear at all. In France, for example, only a handful of newspapers were permitted during the period of licensing and censorship which preceded the great revolution of 1789. In 1789, all restrictions on the press were eliminated, with the result that within four years over 400 newspapers were founded in France, including 150 in Paris alone. In 1792-94 and 1797 there were widescale crackdowns on the press; in the latter year 44 Paris papers were suppressed and scores of journalists exiled. By the time Napoleon took power in 1799, there were only 72 papers left in Paris, and he soon suppressed all but 13, declaring in an 1800 decree that "all papers which insert articles contrary to the respect due the social pact, to the sovereignty of the people, to the glory of the army or who publish invectives against friendly or allied governments . . . will be suppressed immediately" (Holtman, 1967: 166). By 1811, Napoleon had reduced the number of Paris newspapers to four.

Repressive press controls under the restoration (1815-30) and July Monarchy (1830-48) held down the growth of the press after the fall of Napoleon. With the elimination of press controls during the 1848 revolution, however, several hundred new papers sprang up overnight, and the combined daily press run for all Paris newspapers rose from 50,000 to 469 000. After 1848, press controls were reimposed with increased harshness. After the February 1852 press decree re-introducing licensing, only 14 Parisian dailies were allowed to continue. The number of political journals in the provinces declined from 420 in 1851 to 260 by 1865. The loosening of press controls in 1868 led to an immediate upsurge in the press once more, but a period of strict controls in the 1870s held down further growth. With the passage of the liberal 1881 press law, there was a massive increase in the number of newspapers. Thus, the number of provincial dailies grew from 114 in 1880 to 280 in 1885 (Collins, 1959; Olson, 1966: 169-71; Amann, 1975: 48; Bury, 1964: 40; Dupeux, 1976: 158).

Similar data could be cited for many other European countries showing a growth in newspapers under liberal press regimes and a contraction in the press with the imposition of harsh controls. Press repression had a

major impact on individual journalists' lives as well as on the lives of newspapers, of course. Aside from the hundreds of journalists jailed and fined for press violations, the threat of censorship and prosecution was a constant sword of Damocles hanging over every thought and sentence that writers formulated and wrote. The Austrian writer Ludwig Frankl wrote in his memoirs of the Metternich era in Austria that "The self-assurance of those who wrote had fallen so low that they practiced a self-censorship of their own and destroyed every inborn thought as Chronos" (the Greek personification of time, which destroyed all that came into existence) (Rath, 1957: 10). One journalist lamented of the press controls in France under Louis Napoleon:

> Obstacles and pitfalls on all sides beset the newspaper and those who wrote for it. Self-censored in the first instance, re-read and corrected with meticulous care by his editor, superintended in the last resort by the printer who was responsible before the law for everything that came off his press, stifled and hamstrung, attracting the thunderbolt and yet tied to the lightning-conductor, seated on the powder-barrel and condemned to strike the tinder-box, the journalist of 1860 was truly a victim tortured by the imperial regime (Hemmings, 1971: 55).

Resistance to Press Repression

Despite the obstacles imposed upon press freedom and the unquestionably high toll such restrictions took on the lives of journalists and on the amount and circulation of printed matter, a complete account of press liberty in 19th century Europe must conclude that government efforts to repress the press were never entirely effective. Throughout the century journalists and citizens conspired, often with considerable success, to undermine press repression by legal technicalities, evasions and outright defiance. Even the most repressive press regimes, Metternichian Austria and tsarist Russia, were unable to stem the tide of journalistic and popular resistance.

Resistance to press repression may be divided into two major types: 1) legal means of resistance, including the use of so-called "Aesopian language" and various technical means of evading press restrictions, and 2) illegal means of resistance, including the clandestine publishing and smuggling of illegal materials.

Legal Forms of Press Resistance. The use of so-called "Aesopian language" (to use the term which gained great currency in Russia) was universal in regimes with repressive press laws. It consisted simply of making critical political remarks without ever using language direct enough to run afoul of the press laws. Often, political criticism would be disguised as literary or social comments, or points intended to be about one political regime would be disguised as on-the-surface comments about another country. It was virtually impossible to prevent such material

from appearing in the press without entirely suppressing the printed word, and even the most repressive governments found themselves unable to prevent such techniques. Thus, V.K. Plehve, the reactionary minister of the interior in Russia before his assassination in 1904, is reported to have said to one prominent radical: "Why do you want freedom of the press when even without it you are a master of saying between the lines all that you wish to say?" (Seton-Watson, 1967: 481). One clear example of "Aesopian language" appeared in the Russian journal *Vestnik Evropy* in February 1901. An article supposedly discussing a new education law was used as a metaphor to compare Russian society to an overcrowded classroom. The article stated:

> To breathe becomes ever more difficult . . . . It is necessary to open a window, fling open the doors . . . , to give space for movement, free access to fresh air. In place of this they intend to close the ventilators, to caulk up all the crevices. There remains for the multitude only to lose its breath or to leave the room in which it is assembled for important matters (Rigberg, 1969: 63).

One especially common technique of "Aesopian language" was to hide criticism of a particular regime or government official behind supposed criticisms of another country or historical figure. For example, it was common for writers in Austrian-dominated Italy to refer to past French and Spanish domination of that country, when Austria was really meant. Thus, at one play presented in Florence, when the French minister became indignant when great cheers greeted a play about a revolt against French rule in Sicily in 1282, the Austrian minister is reported to have said to him, "Don't take it badly; the envelope is addressed to you but the contents are for me" (Hearder, 1963: 131). In Serbia, the satirist Radoje Domanovic became famous for his fables, "especially his 'Stradija,' the name of a mythical country famous for its swine and tomfooleries, in which the ministers played musical chairs while the police spared voters the trouble of choosing candidates for parliament" (Petrovich, 1976: 488).

In Germany, the young historian Ludwig Quidde (who received the Nobel peace prize in 1927) became a sensation when it was realized that his 1894 article "Caligula: eine Studie uber romischen Casarenwahrnsinn" (Caligula: A Study in Roman Caesarean Madness) was in reality about Kaiser (Caesar) Wilhelm II, who was depicted in orgies of megalomania and delusions of grandeur. "Virtually every foible attributed to Caligula seemed to characterise Wilhelm II, from his mania for building and desire to control the seas to his delight in military manouvres" (Hall, 1974: 104). In pamphlet form, Quidde's article sold over 150,000 copies. While the German government could not prosecute Quidde, at least not without further identifying Caligula with Wilhelm II, he was later sentenced to three months in jail for some critical remarks about the emperor uttered at a public meeting. It was made clear at the trial that the Caligula affair was the real reason for the prosecution (Hall, 1974: 104-5).

Aside from Aesopian language, another legal means of resistance to press repression was the employment of various technical strategems to evade specific regulations. Thus, until the British stamp tax laws were tightened in 1819, it was possible to evade the stamp tax by publishing newpapers in a format which fell outside the technical definition of "newspaper." The most famous such publication, William Cobbett's *Political Register*, achieved the astonishing circulation of 50,000 copies a week by publishing as a "pamphlet" at 2*d* while newspapers were forced to charge at least 5 or 6*d* because of the stamp tax. After Cobbett began to pay the tax as a result of the 1819 change in the law, circulation of his journal fell to 400 (Smith, 1979: 95).

In some countries it was possible to evade the suppression of a newspaper by simply starting up the same paper again with the same staff, but with a slightly different name. Thus, in Sweden, after Lars Johan Hierta's newspaper *Aftonbladet* was repeatedly suppressed by King Karl Johan XIV in the 1830s, Hierta simply kept republishing it under such titles as the *Nva* (New) *Aftonbladet, Tredje* (Third) *Aftonbladet, Fjarde* (Fourth) *Aftonbladet*, etc. Hierta succeeded in making a laughing-stock of Swedish press regulations, and the king finally gave up after Hierta had reached the 23rd *Aftonbladet* (Hovde, 1943: 524). Another ingenious example of legal resistance involved the Milan newspaper *Crepuscolo* (Twilight), whose very name suggested its opposition to the Austrian occupation regime in Lombardy in the 1850s. *Crepuscolo* editor Carlo Tenca adopted the device of never mentioning in the paper anything that ever occurred in Austria or its Italian possessions. This complete silence was widely adopted by Italians as a protest against Austria, and *Crepuscolo* became the leading journal of the Po Valley. However, the paper was forced out of business in 1857 after Tenca refused to mention Austrian Emperor Franz Joseph's visit to Lombardy in that year (Martin, 1969: 395; Jenks, 1978: 52-3).

In a number of countries, including France, Russia and Germany, where press laws required that newspapers name a "responsible editor" who was liable for all published material which contravened press laws, it became common to name non-essential volunteers to serve as "responsible editors" who would be willing to serve time in jail, thus allowing the real editors to go about their business. Thus, in Denmark, during a period of harassment of the socialist press in the 1880s, one house painter volunteered to serve as responsible editor of the *Social-Demokraten* for 10 crowns a week, plus a weekly bonus of five crowns when imprisoned and the understanding that no jail term should exceed 13 weeks in length (Thorsen, 1953: 27).

The high price of newspapers caused by press taxes was overcome in some countries among lower income persons by banding together to

share newspapers and by subscribing to public reading rooms where individuals who paid a small fee could obtain a wide variety of newspapers. Such reading rooms were especially popular in England, where the burden of press taxes was crushingly high. One Manchester reading room advertised in March 1833 that it subscribed to 96 newspapers, and boasted:

> This establishment affords advantages never before offered to the Manchester public, combining economy, health, temperance, and instruction, in having a wholesome and exhilarating beverage at a small expense, instead of the noxious and intoxicating stuff usually supplied at the ale-house and dram-shop, together with the privilege of perusing the most able and popular publications of the day, whether political, literary or scientific, in a comfortable and genteel apartment, in the evening brilliantly lit with gas (Aspinall, 1949: 26).

Many British coffee-house and ale-house proprietors found that they could attract an eager clientele and greatly increase their business by providing newspapers which their customers could otherwise not afford. The British journalist William Cobbett, in his conservative days, complained in 1807:

> Ask the landlord (of an ale-house) why he takes the newspaper; he'll tell you that it attracts people to his house; and in many ways its attractions are much stronger than those of the liquor there drunk, thousands and thousands of men having become sots through the attractions of these vehicles of novelty and falsehood (Aspinall, 1949: 28).

Ironically, the widespread use of collective subscriptions and reading rooms to overcome the high price of newspapers resulting from special taxation suggests that instead of inhibiting the development of a working class consciousness, as they were designed to do, taxation of the press may actually have stimulated it. "Working people clubbing together for subscriptions and collective reading formed the very basis of the new working-class culture in places like Lyon, Berlin and Birmingham" (Gillis, 1977: 219).

Illegal Forms of Press Resistance. Legal resistance to press repression was complemented or replaced in many countries of Europe in the 19th century with illegal resistance to and defiance of press regulations. The two major techniques of illegal resistance——the publishing of clandestine or "underground" newspapers and the smuggling of forbidden material into countries——had been used widely in Europe ever since the first development of press restrictions in the middle ages.

The development of clandestine presses and publishing reached its peak in tsarist Russia, where conditions were the most restrictive in Europe after 1870, and where dissidents were forced to develop ever more ingenious methods of resistance. The most sophisticated and quite literally "underground" press in Russia printed over a million copies of

periodicals and leaflets in Baku during the first decade of the 20th century. Historian Bertram Wolfe (1964: 441) describes it:

> The plant expanded until it covered a vast area underground and contained a cutting machine, type in several languages, presses, binders, even a casting machine for using stereotype mats . . . . In this steadily expanded plant underneath the houses of Tartar Baku, first two, then five, then seven selfless printers worked and lived together like friars in a cloister . . . . The plant was without heat or ventilation; windows leading to the street were sealed with brick and mortar. At night they took turns going up for air for three-hour periods.

The smuggling of banned books and newspapers was extremely common in 19th century Europe, and often smuggling techniques were highly sophisticated. During the French Revolution, radical literature from France was smuggled into Spain in the lining of hats and in strips of paper used to wrap the parts of clocks (Herr, 1969: 243). During the regime of Napoleon III in France, opposition literature was smuggled into the country in hollowed out lumps of coal, in hermetically sealed boxes dropped along the coast of Brittany, and even occasionally in plaster busts of the emperor (Hemmings, 1971: 151; Packe, 1957: 255).

Probably the most sophisticated smuggling operation was developed by the staff of the German socialist newspaper *Sozialdemokrat* during the 1878-90 period when the socialist press was outlawed in Germany. The smuggling operation was superintended by business manager Julius Motteler, known as the "red postmaster." It succeeded in smuggling 10,000 copies each week into Germany from Switzerland, with most of the papers smuggled into Germany in suitcases and other bundles shipped by train and boat. An elaborate system was worked out to notify Motteler if packages reached their destination. Thus, a successful delivery would lead to a telegraphed message like "Anna has departed," a partial delivery might yield, "Uncle sick, letter follows," and a shipment entirely lost or confiscated might be followed by a message like "Uncle extremely ill, recovery hopeless." The Motteler operation became so renowned that in 1895 he was asked to write a report on the system for Italian socialists who were undergoing their own severe repressive trials (Lidtke, 1966: 93-96; Snell, 1976: 199).

A final technique of illegal resistance to repressive press laws, apparently unique to Great Britain, was the widespread defiance of stamp tax laws during the 1830-36 period. During these six years, a total of over 500 periodicals were published without payment of the newspaper stamp tax of 4*d*, which would have priced them out of the popular market. The owners simply refused to pay. These periodicals achieved a peak circulation of perhaps 200,000 a week. Working class opposition to the stamp tax was so intense that they were openly advertised and sold, despite government prosecutions, which sent about 800 newspaper vendors and a

number of publishers to jail. With the reduction of the stamp tax to 1*d* in 1836, the so-called "war of the unstamped" ended, although it took further agitation before the final penny tax was ended in 1855 (Wiener, 1969).

Conclusion

It should be stressed that courageous journalists and publishers did not bear all of the risk and should not get all of the credit for resisting repressive press regulations in 19th century Europe. All large-scale smuggling, clandestine printing and "unstamped" publishing efforts depended on support and cooperation from large numbers of individuals who risked severe sanctions even though they had far less at stake than did journalists and publishers. Publishers and booksellers who handled illegal materials were encouraged to do so by widespread public interest in banned publications, which often made dealing in them highly profitable. Certainly, the widespread circulation of "unstamped" papers in the 1830s in England, or of illegal materials in Austria in the 1840s and tsarist Russia throughout the 19th century, could not have developed without a widespread latent opposition to those governments, which provided a supportive climate for journalists and vendors willing to defy the regimes.

Jean Sismondi, the Swiss historian and journalist, noted in 1847 that booksellers in London and Paris agreed that "the public does not want books and that they find no sales for the books they publish, except in the countries where they are prohibited" (Anderson and Anderson, 1967: 265). A seller of "unstamped" newspapers in England declared in 1835:

> Were I to give over selling the Unstamped, my customers declare they will get them of some other person; as they were determined to have an Untaxed Newspaper, even if they subscribed among themselves to purchase the material for printing, for cheap knowledge they would have (Wiener, 1969: 116).

Perhaps the most appropriate epitaph, then, for attempts to repress the press in 19th century Europe (and, perhaps for any other time and place) may be a rhyme penned in 1733 by a popular British dramatist, James Branston, who asked:

> Can statutes keep the British press in awe,
> When that sells best, that's most against the law?(Smith, 1979: 59)

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